1: Junod M-5 (1895-1909)1927 Thonga

671 possesses a rich store of *judicial expressions*. Here are the most common : *Nau* (pl. milau) means law, custom. *Ku tlula nau*, to jump over the law, means transgression. *Nandju* (pl. *milandju*) means the fault resulting from transgression. This interesting word comes from *ku landja*, to follow. It applies in the first instance to cases which lead to a prosecution, but secondly to any fault. *Ku doha*, is to be wrong and *ku dohela mhunu*, the applicative derivative, to wrong another. *Ku da*, to eat somebody, or *dela*, is also a picturesque expression employed for injury to property. *Ku ramba* (Dj.), *ku rjamela hosin* (Ro.) is the technical expression to designate a complaint lodged before the chief. *Ku riha* (Dj.), *djiha* (Ro.) means to pay a fine, and *rihisa*, *djihisa* (the factitive derivative), to impose a fine.

672 This strong sense of justice however differs from the European on certain points. Owing to their collectivist notions, the Bantus consider relatives as responsible for the debts of their own kin, as we have already seen (p. 332). Another case in which they entertain ideas which seem very strange to us is this ; when anyone has lent you an implement and you make a bad use of it, the fault is as much the lender's as the borrower's. I remember a queer case which took place in my school in Rikatla. Some boys had to go in the afternoon to work in the vegetable garden under the supervision of their overseer. On the way one of them happened to hurt his foot by treading on a thorn. So, when he arrived in the garden, he borrowed a knife from the overseer and began to make sandals of palm-leaf pith. The elder boy entreated him to work. He refused to obey, so the overseer denounced him publicly, when the weekly inquiry into the conduct of the boys was made, on the following Friday. But the temporary shoemaker did not admit to being guilty of anything at all, and his final argument was this : "I cannot understand how Mr. Overseer can accuse me when he himself lent me the knife which I used to carve my sandals!" D. Kidd tells similar stories about Pondos in his "Essential Kafir."

671 So there are differences between Native and European conceptions of justice, and Bantus do not always draw the same conclusions as we do from given premises. Native Commissioners

2) Civil cases.

692 I will not assert that Thongas know the exact difference between
622 civil and criminal cases, the same tribunal judging them both and
643 all being called by the same name, milandju.
681 If any distinction is made, it would be between private and official cases, *private cases* being those which are settled by the two parties concerned alone, without the intervention of the chief ; whilst *official cases* are those in which the matter (mhaka) has been brought to the capital. As already explained, the headmen of the village try to settle the difficulties themselves ; if they succeed, all the better, as the fine will be reduced to its minimum, whilst, before the Court, the fine would be doubled and the chief would keep half of it!

691 Ninety per cent of the civil cases are in connection with *lobola*. These are sometimes most intricate and I would refer to the description already given of some of them (p. 282 and Appendix VIII).

691 *Divorce cases* are also common. When a woman has definitely
586 left her husband, her relatives must return the lobolo money.
643 "You must give up to them £ 5 or an ox," says Mankhelu. The
614 chief Mubvesha who was known for his avarice used to arrest the husband and make him pay £ 25 ; he returned £ 15 to the wife's relatives and kept £ 10 for himself.

When money is returned, the children remain before the mother (See page 279).

691 Many cases may occur in connection with *cattle*. The case of
643 *redhibition* is foreseen : when I buy an ox and it dies on my hands
437 from a disease which was not known at the date of my purchase but which already existed, I have the right to go and ask for another in its place. But I bring the skin of the dead ox with me and one hoe inside it for the meat which I have eaten. If the seller refuses to accept my claim, I go to the chief and complain. He will summon the recalcitrant person and say to him : "Did not this man act well when he put a hoe inside the skin ? Give him another ox!" (Mankhelu.)

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Listen! This is what Nwamantibyane says,
He whom the people of Nkupane do not love, (1)
The son of the Great Forest (Sibhlahla) of Hamule, (2)
He who took a wife and used the sword in the country of his parents-in-law, in Mbukwane's country.

Gwalagwala a liburu,
Iliblengo ngo kubekeka,
Umpathi we sibamo,
U za ku debula Mangole ni Maputukizi.

The royal bird with red plumage (3),
Magnificent to contemplate,
He who holds in his hand a gun
With which he will fire on the Angoleas and the Portuguese.

Nduna kuti, lo wa khiti,
Mo nga ngesilwana,
U ti ka: a yi funule!

He whose fame spreads afar, our chief,
Who is as a wild beast,
It is he who says: "To arms!".

701 726 This final exclamation, prolonged and finishing abruptly on the last syllable, carries a long distance; all the warriors jump to their feet and, brandishing their assagais and shields, run to the chief's village, where the circle is to be formed. Each

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(1) The people of Nkupane are one of the younger branches of the royal family of Mpfumo. They lived close to Lourenço Marques, on the other slope of the hill, to the West of the town. They would have lived undoubtedly, in common with many others, to assert their independence by throwing off the yoke of the elder branch, and even attempted to do so when Mabombole tried, in 1867 or in 1869, to overthrow Zihlahla. But the elder branch, whose chiefs were energetic men, succeeded in maintaining its authority over the whole clan. The fact that the people of Nkupane "do not love" Nwamantibyane redounds rather to the credit of the latter.

(2) Nwamantibyane's father was Zihlahla, his grandfather was Hamule. Sibhlahla, or Zihlahla, in Zulu means forest, hence the herald's play on the word. The reign of Zihlahla, which we may place at from 1867 to 1883, was very troubled, at least during its first few years. The young chief, on his return from Natal, after the death of his father Hamule, married Mbilwana, a princess of the royal family of Mabota. During the bloody wars then raging, Zihlahla was angry with Mabota (whose chief was Mbukwana), for playing him false, and, one fine day, he made a raid into the country of his parents-in-law, killing many people. To have thus treated his "bakotwana," who are ordinarily held in such great respect, (see Part II) was a proof of valour which is remembered to this day, more than fifty years after the event. It must be said that, after this exploit, Zihlahla left his residence near the town and took refuge in the Nwambe territory; the Whites with whom he was fighting put in his place a certain Nwayeye whose name we shall find in a war song to which we shall have occasion to refer later on.

(3) The nkulenkulu is a bird which is shot in the forest on the borders of the Nkomati; its feathers are red, and only chiefs are allowed to wear them.

1: Junod M-5 (1895-1909) 1927 Thonga
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(Since the sib is the true national unit of the Thonga, all information on the organization of governmental institutions will be filed in the appropriate 64 category instead of category 614 and all information on the chief of the sib will be filed in category 643--analyst)

533 fight, when returned from battle, as well as those sung during the march of the troop. I give the striking music of some of these in the next chapter. Tune 24 is the "Sabela nkosi" the great Mpfumo song, also adopted by other clans. Tune 25, with its splendid change from the minor to the major key, is the Tembe and Maputju classical war song. No. 29 is an old Nkuna war song, dating as far back as 1820, before the Zulu invasion ; No. 27 is the principal modern Nkuna song, and
535 No. 28 the Nkuna equivalent to the Ronga *Giraffe song*. These old chants are sung to the accompaniment of the military dance, which consists in trampling on the ground, while rhythmically brandishing the assagais, lifting them first to the right, then to the left, bending them sideways, then downwards, as if to pierce (I. p. 463). They are certainly wonderfully fine compositions.

533 I include in the same category the laudatory song of the *mbongi*
826 (I. p. 424), a branch of literature in which Court poets display
644 considerable imagination and an extraordinary gift for unbounded hyperbole. All the important chiefs have their mbongi and it is required of the man holding this office that he should have a good chest (shifuba), the chest being to the Thongas the seat of eloquence (as it was to the ancient Romans : Pectus est quod oratorem facit !). The elucubrations of these poet laureates sometimes last a very long time and may have real poetic value.

614 As we saw (I. p. 361) each clan and even each family
553 possesses its own laudatory phrase ; this is the *shibongo*, a word which generally means family name, but which etymologically signifies the formula by which the clan or family glorifies (bonga) itself. These formulae are usually short and often contain archaic expressions or allusions to unknown facts which make them very difficult to understand. I have given some of those from the Ronga territory. Here are two others, collected by the Rev. A. Jaques amongst the Transvaal Thongas, who seem to cultivate this custom more than the coast clans ; they are perhaps encouraged to do so by their Pedi neighbours, who are very fond of these formulae, called by them *mireto*.

Hlangwini wa ka Shitlhelane; hi ba ka Nkandamuri; hi ba ka Manyubele ni Mbowo; hi ba ka Gidjigidji, ba tilo. —. Akane ka paitjunga! Lomu akobeni mi ta muka hi kona...

Hlangwini of (the house of) Shitlhelane; we are of (the house of) Nkandamuri; we are of (the house of) Manyubele and Mbowo; we are of (the house of) Gidjigidji, the people of Heaven. —. Build (your huts) on the hills. In the valley you will have to leave (?)

614 553

It would seem that these Hlangwinis are a clan of rain-makers, people having the power of Heaven. They advise others to settle on the hills and not in the valleys, because otherwise their huts would be swept away by the floods, owing to the terrible rains which the Hlangwinis have the power of causing to fall.

The second is not very refined, but is characteristic. Erotic allusions are frequent in those formulae :

Nkuna wa Mabutane; mabuta, ba yi bonile ku basa ka yona.
Nkuna of Mabutane; when wooing a girl, he has seen that she was pure.

Mabutane is probably a surname of Nkuna. There is in this formula a play on the word buta which means to woo (I. p. 101). Before choosing a girl, the ancestor first made sure that she was untouched ; this denotes a species of wisdom which his descendants still boast of to-day! 553

In epic poetry may be included also the *pshiphato*, a Zulu expression which means the laudatory sentence with which warriors praise themselves according to the Zulu fashion. Private individuals, and even women sometimes have their shiphato ; for instance a girl bearing the name of Yandea will glorify herself in these words : Yendea, madjaha! Yendea, the young men! This formula does not throw a very favourable light on the habits of the girl, and scarcely belongs to literature!

A more elaborate product of Thonga poetry is found in the *hunting songs*. I have already mentioned these (p. 60) and here give as a typical example the Elephant's song. I have been told by my informant, Zebedea Mbenyana, a Native of Bilen, that the hunters performed it whilst dancing on the body of the enormous beast, after having transfixed it. 533 224 115. 539